

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WINTER INVESTORS, LLC, *et al.*,

Plaintiffs,

-v.-

SCOTT PANZER, *et al.*,

Defendants.

14 Civ. 6852 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of the letters from counsel for Defendants Verschleiser and EVE, LLC (Dkt. #194), from Mr. Verschleiser (Dkt. #195), and from counsel for Plaintiffs (Dkt. #196). The Court reiterates that it considers Mr. Gulko to be counsel for Mr. Verschleiser, unless and until he is granted leave to withdraw. Accordingly, Mr. Verschleiser's communications with the Court must go through counsel.

The Court interprets the parties' letters to indicate that the parties believe their respective discovery obligations have been fulfilled. The parties are reminded that if a forensic examination of a specified computer system results in the retrieval of additional materials that should have been produced, liability for the cost of that examination may shift to the withholding party.

The Court authorizes the expert put forward by each party to conduct the forensic examinations on their behalf. Unless the parties are able to reach an agreement on other terms, Mr. Verschleiser is ordered to produce his laptop computer and portable hard drive for forensic examination, and Mr. Frydman is ordered to produce the laptops, desktops, and server to which he has access

for business purposes, whether his or Mrs. Frydman's. Mr. Frydman's systems will be searched using the search terms proposed by Mr. Verschleiser, to which Plaintiff's counsel previously indicated he consented. Mr. Verschleiser's systems will be searched using the following search terms:

Between April 22, 2013 – December 30, 2014:

- REIT
- Panzer
- Frischer
- Mayer
- solomonmayer@gmail.com
- "Jacob Frydman"
- Patent, within ¶ of ETRE
- "Source Capital"
- EVE
- ETRE (alternately, "ETRE REIT", "ETRE Trading", and "ETRE Investors Holdings LLC")
- "Exchange Traded Real Estate"
- Merger, within ¶ of ETRE or Mayer
- Assignment, within ¶ of ETRE
- "Longfellow Building"
- "1201 Connecticut Avenue"
- "Thomas Fidler"
- "White & Williams"
- "JS3 Alternative Investments"
- "Russel Newton"
- "LH Financial"
- "Unit Purchase Agreement"

At any time:

- "EVE, LLC"
- ETRE
- "exchange traded" w/ 10 "real estate"
- "Sol Mayer"
- "Scott Panzer"
- "Paul Frischer"
- "Jesse Stein"
- JS3
- "patent application" w/ 10 of either "exchange or "real estate"
- "Reed Smith"

The parties are directed to meet and confer on or before **December 29, 2020**, to set a schedule for the forensic examinations of their systems, and to notify the court by letter of the date(s) selected. The Court expects that the examinations will occur in the month of January 2021.

The Clerk of Court is directed to terminate the motion at docket number 192.

SO ORDERED.

Dated: December 18, 2020
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge